

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS

Civil Procedure, Civil Rights, Labor & Employment Law

Vaello-Carmona v. Siemens Medical Solutions USA, Inc., No. 13-1405

In this employment discrimination action, plaintiff-employee died and petitioner-appellants moved to substitute themselves as plaintiffs. The judgment of the district court ruling that plaintiff's employment discrimination claims against defendant were not inheritable and dismissing the case for failure to state a claim is vacated, where causes of action employment discrimination and employment disability discrimination are inheritable under Puerto Rico law.

Criminal Law & Procedure, Immigration Law

US v. Ngige, No. 14-1136

In this case, defendant was convicted of conspiring to defraud the United States by participating in a sham marriage to secure a change in her immigration status. Defendant challenges her conviction on grounds that the prosecution was time-barred because she committed no overt act in furtherance of the conspiracy within the five-year period before the return of the indictment. The judgment of the district court is affirmed, where: 1) defendant's submission of a psychological evaluation in support of her Violence Against Women Act (VAWA) petition was properly considered an overt act in furtherance of the conspiracy charged, because the conspiracy's objective was to pay the co-conspirators to help defendant "acquire a change of her immigration status" by "making false representations about her marriage and relationship," and the psychological evaluation sought to achieve just that; and 2) the record amply supports the district court's guilty verdict.

Government Contracts, Health Law, Injury & Tort Law

US ex rel. Escobar v. Universal Health Services, Inc., No. 14-1423

In this False Claims Act case, relators allege that their daughter, who died of a seizure in 2009, was treated by various unlicensed and unsupervised staff employed by defendant, in violation of Massachusetts state regulations. Relators contend that defendant's noncompliance with sundry supervision and licensure requirements rendered its reimbursement claims submitted to the state Medicaid agency actionably false under both the federal and Massachusetts False Claims Acts. The district court's dismissal of the complaint is reversed and remanded, except for the portion of the complaint pertaining to the employment of psychologists, where: 1) a healthcare provider's noncompliance with conditions of payment is sufficient to establish the falsity of a claim for reimbursement; 2) relators' daughter died after receiving treatment that was out of compliance with over a dozen regulations, and relators have carefully compiled information regarding the

allegedly false claims submitted to MassHealth; and 3) therefore, relators have appropriately stated a claim with particularity under the False Claims Act.